THE HON'BLE SRI JUSTICE GODA RAGHURAM

Writ petition NO. 14266 OF 1996

Between :

U.Sivannarayana s/o Koateswar Rao
Mulagalampalli (v), W.G. District

… Petitioner

And :

The Mandal Revenue Officer,
Jeelugumilli Mandal, W.G.District
And others

… Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

Writ petition NO. 14266 OF 1996

ORAL ORDER :

The writ petition is misconceived. The petitioner claims to be a practicing Advocate and seeks a Mandamus declaring that the petitioner belongs to a Scheduled Tribe community and for a direction to the respondents to issue ST certificate to him.

The petitioner claims to belongs to "Gouda" community; that the community is also known as "Kalalee" community. According to the petitioner, the Presidential Order enumerating Scheduled Tribes specifies "Goudu" community in the agency tracts as Scheduled Tribes. The petitioner states that as he belongs to Gouda community it should be treated as equivalent to Goudu community, enumerated as ST and he should be granted a ST certificate.

The petitioner asserts that the respondents have issued a certificate certifying him as belonging to B.C.-B category on the

assumption that he belongs to 'Gouda' community. As a series of representations by the petitioner proved unproductive the petitioner is before this court. One of the petitioner's representations was rejected by the 2nd respondent with an endorsement that as the petitioner belongs to 'Gouda' community he belongs to BC-B group.

Learned counsel for the petitioner relies on a judgment of a learned single Judge of this court in W.P.No. 5194 of 1979 dated 30.1.1980, wherein the petitioner belonging to 'Gouda' community was held by this court to be a 'Kalalee' community equivalent to 'Goudu' community, enumerated as ST under the Presidential Order, in view of the classification by the State Government in G.O.Ms.No. 1795, dt 23.9.1970, whereunder Group-B Gouda community is treated as equivalent to 'Kalalee' community. Since Kalalee community was treated by the State to be equivalent to Goudu, Goudas residing in agency tracts are equivalent to Gouda, was the reasoning of the learned single Judge.

On behalf of the respondents a counter affidavit is filed by the 2nd respondent. In para-4 of the counter affidavit it is stated that the judgment of the learned single Judge referred to supra has been sent aside in an intra court appeal by the judgment dated 19.4.1985 in WA No. 439 of 1980.

It is well settled that the specifications and enumeration of communities as Scheduled Tribes or Scheduled Castes in the Presidential Order cannot be amended by the State Government either in exercise of Executive powers or even by legislative power –vide ***E.V.Chinnaiah v State of A.P and others*** ***([1])***.

For the aforementioned reasons there are no merits in the writ petition. The writ petition is accordingly dismissed. No

order as to costs.

Dated: 12.12.2006 ----------

Pvsn/Tsnr Justice G.Raghuram

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[1] AIR 2005 SC 162